

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 21202 of 2004

Between:

Smt. K.Rajeswari, W/o.K.Anjani Kumar,
R/o.Somasekharapram, Nellore District.

..... PETITIONER

AND

The Mandal Revenue officer, Podalakuru Mandal, Nellore District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more one in the nature of writ of Mandamus declaring the action of the respondent in trying to dispossess the petitioner who is the lawful owner of the lands in Sy.No.639/1, to the extent of Ac. 3-71 cents, Sy.No.639/2 to the extent of Ac.2-72 cents sy.No.640/1 to the extent of Ac.3-76 cents sy.no.637/3 to the extent of Ac. 3-94 cents, sy.NO.640/2 to the extent of Ac.3-89 cents, and sy.no.637/4 to the extent of Ac.2-09 cents totalling Ac.20-11 cents situated in Marupuru village, podalakur Mandal, Nellore district without passing final orders on the explanation submitted by the petitioner dt.7-7-2004 to the notice dt.19-6-2004 issued by the respondent as illegal, arbitrary and violative of principles of Natural justice and consequently direct the respondent not to interfere and dispossess the petitioner from the peaceful possession and enjoyment of the above mentioned lands.

Counsel for the Petitioner:MR.M.SUBBA REDDY

Counsel for the Respondent: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER

Heard the learned counsel for the petitioner and learned Government Pleader for Revenue. Both the counsel requested for disposal of the writ petition at the stage of admission.

Petitioner was served with a notice dated 19.6.2004 issued by the Mandal Revenue Officer, Podalakur-respondent herein alleging that the petitioner by violating the Government Rules, occupied the lands to an extent of Ac.20.11 cents of Marupuru village, which are Government D.Form Patta Lands, and further she was called upon to explain as to why necessary civil/criminal action should not be initiated for her eviction from the said land. Pursuant to the same, the petitioner submitted her explanation on 7.7.2004. This writ petition is filed alleging that without considering the said representation and without passing any final orders, the respondent has demarcated the land and trying to dispossess the petitioner from the land in question.

Once proceedings are issued intimating the action proposed, to which the petitioner also submitted her explanation, the respondent is expected to pass final orders considering the explanation of the petitioner dated 7.7.2004 and only after passing such final order and intimating the same, he can take further action in the matter. It is needless to say that the respondent shall not dispossess the petitioner without passing final orders.

With the above observations, the writ petition is disposed of. No order as to costs.

A. GOPAL REDDY. J.

19th November, 2004

Note: Issue operative portion by

wire at party's costs.

(B/o)

tsr.

To

- 1 The Mandal Revenue officer, Podalakuru Mandal, Nellore District.
2. Two C.C.s to Government Pleader for Revenue, High Court Buildings,
Hyderabad.(OUT)
3. Two C.D. copies.